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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 PATRICK RONALD HOLLEY,

11 Plaintiff,

2:04-cv-1425-GEB-PAN(JFM)-P

12 vs.

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS, et al.,

15 Defendants.

ORDER

16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On June 6, 2006, the magistrate judge filed findings and recommendations herein
20 which were served on all parties and which contained notice to all parties that any objections to
21 the findings and recommendations were to be filed within twenty days. Plaintiff has filed
22 objections to the findings and recommendations.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
24 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
25 file, the court finds the findings and recommendations to be supported by the record and by
26 proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 6, 2006, are adopted in full;

2. Defendants' February 7, 2006 motion to dismiss is granted; and

3. This action shall proceed solely on the retaliation claim against defendant
Herrera raised in plaintiff's original complaint and answered by said defendant on September 29,
2005.

Dated: July 13, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge